

wherein step (c) further includes receiving the information indicating whether the consumer owns a copy of the song being played on the radio, and

wherein step (d) further includes analyzing the information received from the consumer to determine whether the consumer owns the song.

b' 97. (new) The method of Claim 96, the method further comprising the step of comparing the information indicating whether the consumer is tired of hearing the song being played on the radio with the information indicating whether the consumer owns a copy of the song being played on the radio.

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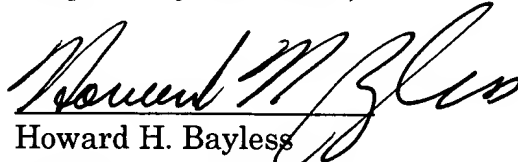
#### REMARKS

Claims 49-72 are currently pending in this application. Claims 22-48 have been rejected. Claims 22-48 have been canceled. New Claims 73-97 have been added. Therefore, new Claims 49- 97 are pending in the Application. Entry of these new claims should not unduly interfere with the preparation of a first Office Action during continued examination of the Application.

If the Examiner has any questions regarding this response, or a telephone conference will facilitate the prosecution of this application, the undersigned attorney can be contacted at (256) 535-4400.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,



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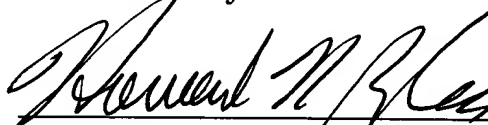
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CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this Amendment is being mailed to the United States Patent and Trademark Office, on January 2, 2004.

Howard H. Bayless



Signature  
Registration Number 51,245

1/2/04  
Date